

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA, ^{2007 FEB -9 PM 12: 12}
Plaintiff,

MB

v.

CATHY S. GATSON, D.C.
KANAWHA CO. CLERK

Case No. 05-F-303

The Honorable Louis H. Bloom, Judge

WILLIAM M. WOODSON,
Defendant.

ORDER

On the 2nd day of February, 2007, came the Defendant, William M. Woodson, in person and with counsel, W. Jesse Forbes, and came the State of West Virginia, by Fred J. Giggenbach, Jr., Assistant Prosecuting Attorney pursuant to the Defendant's *Motion for Resentencing*, previously filed in this matter for the purpose of restarting the time in which he can appeal his conviction and/or sentence herein.

WHEREUPON the Court heard from the Defendant and his counsel, as well as from the State, regarding the status of this proceeding. The Court further inquired as to whether, following the previous hearing of November 30, 2006, the Defendant's counsel had been able to retrieve and review the Defendant's file from his former counsel, Mr. Joseph Cometti, who is now deceased, for the purpose of determining whether the Defendant had ever affirmatively indicated to his prior counsel that he did not intend to seek an appeal of his conviction or sentence in this matter.

Counsel for the Defendant related to the Court that he had received Mr. Cometti's file, had reviewed it and that there appeared no affirmative indications in the file of any

intention on the part of the Defendant not to pursue an appeal in this matter.

Additionally, counsel for the Defendant indicated that copies of several notarized letters existed from the Defendant to his former counsel regarding the status of his appeal and, thus, according to his counsel, evidencing his intent to pursue an appeal. Further, the Defendant's counsel noted that a Notice of Intent to Appeal had been filed in this matter, but that the time for filing said appeal had lapsed during the Defendant's previous counsel's appointment. Moreover, the Defendant's counsel pointed out that several *pro se* letters and motions had been filed with the Court by the Defendant during the time frame for filing an appeal, including letters regarding transcripts of the proceedings. Nonetheless, no appeal was filed by the Defendant's prior counsel.

Accordingly, the Court is of the opinion to and hereby does GRANT the Defendant's Motion for Resentencing.

It is therefore CONSIDERED and ORDERED by the Court that the Defendant, WILLIAM M. WOODSON, upon his being found guilty by a jury of the felony offenses of First Degree Robbery, a provable offense as contained in Count One of Felony Indictment No. 05-F-303 and Malicious Wounding, a provable offense as contained in Count Two of Felony indictment No. 05-F-303, shall be sentenced as follows:

COUNT ONE: That he be confined in the penitentiary of this State for a determinate term of thirty-five (35) years, with credit for time spent in jail awaiting trial and conviction.

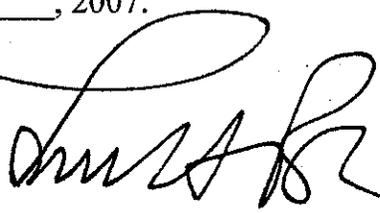
COUNT TWO: That he be confined in the penitentiary of this State for an indeterminate term of not less than two (2) years nor more than ten (10) years. Said sentence to run consecutive to and not concurrent with the sentence imposed in Count One.

The Court advised the Defendant of his right to file an appeal with the West Virginia Supreme Court of Appeals by filing a notice of intent to appeal within thirty (30) days from the final judgment and by filing a petition for appeal with the West Virginia Supreme Court of Appeals within four (4) months of the entry of judgment.

Custody of the Defendant is hereby returned to the Commissioner of the West Virginia Division of Corrections for the execution of the sentence heretofore imposed upon the Defendant.

It is further ORDERED that the Circuit Clerk shall forward an attested copy of this Order to the following: W. Jesse Forbes, Esq., counsel for William M. Woodson; and Fred J. Giggenbach, Jr., Esq., Assistant Prosecuting Attorney in and for Kanawha County, West Virginia.

Entered this 9 day of FEB, 2007.



The Honorable Louis H. Bloom, Judge

2/9/07
PA/WJ71
Date: _____
Certified copies sent to:
counsel of record _____
parties _____
other _____
(please indicate)
By: _____
certified/1st class mail _____
fax _____
hand delivery _____
intra-departmental _____
Other alternatives accomplished: _____
Deputy Circuit Clerk

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT. 9th
IN MY HAND AND SEAL OF SAID COURT THIS _____
Cathy S. Gatson CLERK
OF KANAWHA COUNTY, WEST VIRGINIA